

**LABOR SERVICES DIVISION[875]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 89.14, the Boiler and Pressure Vessel Board hereby gives Notice of Intended Action to amend Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” Iowa Administrative Code.

The Boiler and Pressure Vessel Board is charged with the responsibility to set fees that “shall reflect the actual costs and expenses necessary to operate the board and perform the duties of the commissioner.” The last significant change in the fee schedule was in 2005. In conjunction with the Labor Commissioner, the Boiler and Pressure Vessel Board conducted a careful review of the program’s finances. The Boiler and Pressure Vessel Board concluded that fee increases are needed to keep the fund solvent and that the fees proposed in this Notice are appropriate.

The purposes of this amendment are to maintain the financial solvency of the program, protect the health and safety of the public, and implement legislative intent.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on March 11, 2014, a public hearing will be held on March 12, 2014, at 9 a.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendment. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than March 12, 2014, to the Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov).

After analysis and review of this rule making, no impact on jobs will occur.

This amendment is intended to implement Iowa Code chapter 89.

The following amendment is proposed.

Amend rule 875—90.7(89) as follows:

**875—90.7(89) Fees.**

**90.7(1) *Special inspector commission fee.*** A \$40 ~~\$55~~ fee shall be paid annually to the commissioner to obtain a special inspector commission pursuant to Iowa Code section 89.7.

**90.7(2) *Certificate fee.*** A ~~\$25~~ \$40 fee shall be paid for each one-year certificate, a ~~\$50~~ \$80 fee shall be paid for each two-year certificate, and a ~~\$100~~ \$160 fee shall be paid for each four-year certificate.

**90.7(3) *Fees for inspection.*** An inspection fee for each object inspected by a division inspector shall be paid by the appropriate party as follows:

a. A \$40 ~~\$55~~ fee for each water heater supply boiler.

b. ~~An \$80~~ A \$95 fee for each boiler, other than a water heater supply boiler, having a working pressure up to and including 450 pounds per square inch or generating between 20,000 and 100,000 pounds of steam per hour.

c. A ~~\$200~~ \$215 fee for each boiler, other than a water heater supply boiler, having a working pressure in excess of 450 pounds per square inch and generating in excess of 100,000 pounds of steam per hour.

d. A \$40 ~~\$55~~ fee for each pressure vessel, such as steam stills, tanks, jacket kettles, sterilizers and all other reservoirs having a working pressure of 15 pounds or more per square inch.

e. In addition to the applicable object's inspection fee, if the division cannot follow normal practice of scheduling inspections in a cost-effective manner due to a request by an owner or user for a customized schedule, travel expenses may be charged at the discretion of the division.

f. ~~Inspections and code qualification surveys made by the commissioner at the request of a boiler or tank manufacturer shall be charged at a rate set by the commissioner not to exceed the rate currently charged by the various insurance companies for performing a similar service. This charge shall not void the regular fee for inspection or certification when the boiler or tank is installed. Upon receipt of a request for a state inspector to visit or inspect for a reason not required by Iowa Code chapter 89, the labor commissioner may negotiate an appropriate fee.~~

g. If a boiler or pressure vessel has to be reinspected ~~through no fault of the division~~, there shall be another inspection fee as specified above. ~~However, there shall be no fee charged for the first scheduled reinspection to verify that ordered repairs have been made.~~

**90.7(4) Fees for attempted inspections.** A ~~\$20~~ \$35 fee shall be charged for each attempt by a division inspector to conduct an inspection which is not completed through no fault of the division.